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Docket No.: F2842 US S3 (C018016/0180304)

**REPLY UNDER
37 CFR § 1.116**

EXPEDITED PROCEDURE

TECHNOLOGY CENTER 1600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)

Michael BARDROFF *et al.*)

Serial No.: 10/505,313)

Filed: August 20, 2004)

For: **ANTI-AMYLOID BETA ANTIBODIES
AND THEIR USE**

Examiner: G. S. Emch

Art Unit: 1649

New York, New York
July 28, 2009

**RESPONSE TO FINAL OFFICE ACTION INCLUDING
EXAMINER INTERVIEW SUMMARY**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action mailed April 29, 2009, which set a three-month shortened statutory period for response. Accordingly, this response is filed timely upon mailing, with an executed certificate of mailing, on or before July 29, 2009. 37 CFR §§ 1.8 and 1.136. It is not believed that any fees are required. If, however, fees are required, please charge any such fees to Deposit Account No. 02-4467. A duplicate copy of this sheet is enclosed.



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Because the Office Action made the rejection of the pending claims final, consideration of this response pursuant to the expedited procedure for response after final rejection set forth in MPEP § 714.13 (8th Ed., Rev. 7, July 2008, pp. 700-263 to 700-264) respectfully is solicited.

Examiner Interview Summary

The Final Office indicated the allowability of claims 41-44 and 46-49 (Paper No. 20090422, Office Action Summary). Claim 45 was objected to as being a duplicate of allowable claim 43 (*Id.* at 5).

On June 17, 2009, a telephonic Examiner's Interview was conducted between Jihong Zang, the undersigned Applicants' attorney, and Examiner Emch. We thank the Examiner for his participation. The purpose of the interview was to discuss actions to be taken in order to put the application in condition for allowance. During the Interview, the Applicants' attorney indicated that claims under rejection will be cancelled, without prejudice. The Applicants' attorney further explained that claim 45 is not a duplicate of claim 43 because the sequences recited by the claims are different. Additionally, the Applicants' attorney pointed out that the English version of the abstract of the Japanese patent application, JP-HEI 03/502455, was submitted with the IDS and was most likely lost by the Office. The Examiner agreed that the translated abstract may be resubmitted concurrently with this Response.

The remarks below extend and memorialize the explanations set forth during the Examiner Interview. Upon the entry of the following amendments and consideration of the remarks, it is hoped that the Examiner will find the application in condition for allowance.

Application No.: 10/505,313
Response Dated: July 28, 2009
Reply to Office Action Dated: April 29, 2009

Please amend the application as follows:

AMENDMENTS TO THE SPECIFICATION: None.

AMENDMENTS TO THE CLAIMS: begins on page 4 of this paper.

REMARKS begin on page 6 of this paper.